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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 000205

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LONDON FOR GURNEY

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SUBJECT: NIGERIA: UPDATE ON BENUE COMMISSION

REF: 02 ABUJA 1193

CLASSIFIED BY AMBASSADOR HOWARD F. JETER; REASONS 1.5 (B) AND (D).

1. (C) SUMMARY: The Secretary of the Judicial Commission investigating the Zaki-Biam killings January 16 told PolCouns that while the Commission had completed the fact-finding part of its mission, its final report would not be ready until March. Sufi confirmed that the Commission's report would include indictments of those found responsible for the October 2001 violence in Benue State. He thought the retirements and transfers mentioned in President Obasanjo's letter to Senator Feingold were routine administrative actions. Sufi's version, however, was contradicted by Minister of State for Defense (Army) Lawal Batagarawa, who told the Ambassador on January 29 that the retirements/transfers were in response to the killings in Benue. Batagarawa said he would provide additional information next week, but would not divulge the names of those involved until the Judicial Commission's report is released. Batagarawa maintained that the retirement/transfers resulted from the Army's own internal review. END SUMMARY.

2. (C) During a January 16 conversation with POLCOUNS, Secretary of the Judicial Commission of Inquiry on Inter-

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communal Conflicts in Plateau, Benue, Taraba and Nassarawa States Dr. Sani Sufi related the current status of the Commission's report. According to Sufi, the Commission has interviewed over 1,000 people who were witness to or involved in inter-communal violence. Sufi offered to allow Polcouns to view some of the videotaped testimony - including that of former Army Chief of Staff General Victor Malu.

3. (C) With the fact-finding part of its mission now behind it, Sufi said, the Commission would now focus on analyzing all of the evidence and reaching a consensus on the report it will submit to the GON. Sufi thought the report would be completed in March.

4. (C) Sufi said he was very pleased with the work the Commission had done so far. He believed that, at a minimum, the 1,000-plus interviews the Commission had conducted in the course of its investigation had given people a chance to talk about their experiences and to vent some of their anger and frustration. He hoped such open dialogue would help relieve tension and lead to more frank discussions of the problems and of the solutions to inter-communal violence in Nigeria.

5. (C) After discussing the status of the Commission, PolCouns related the contents of President Obasanjo's letter to Senator Feingold. The letter stated "all officers involved in the Zaki-Biam incident have been reassigned and are no longer in command, pending the Report of the Judicial (Commission)." (COMMENT: While the letter does not explicitly say the transfers were a result of the officers involvement in the violence in Benue State, that is the implication. END COMMENT.)

6. (C) Sufi said he had not heard of the letter until he was asked about it by Minister of State for Defense (Army) Lawal Batagarawa's office after Ambassador had raised the issue during a January 9 meeting with the Minister. During that meeting, Batagarawa said he had no knowledge of the letter, nor could he verify that the officers involved were reassigned or relieved of command. However, Batagarawa noted, "If Mr. President says this happened, then it is the truth." Sufi did not try as hard to support the President's story. He postulated that since the Commission had not yet completed its report, the GON could not know

which officers to hold responsible. Sufi believed any transfers or retirements were not punitive in nature, but rather routine administrative actions. (COMMENT: In a January 25 meeting with the Ambassador, President Obasanjo said that he was not certain who had drafted his letter to Senator Feingold, but he thought it might have been Ministers of State for Defense (Army) Batagarawa. Presidential Special Assistant for International Affairs Ad'Obe Obe, who also was not sure who authored the letter, vaguely remembered that the letter may have been "handed" to him by Nigeria's Ambassador to Washington, Professor Jibril Aminu. END COMMENT.)

17. (C) Sufi's version of events was later contradicted by Minister of State for Defense (Army) Lawal Batagarawa, who told the Ambassador on January 29 that the retirements/transfers were in response to the killings in Benue. Batagarawa said he would provide additional information next week, but would not divulge the names of those involved until the Judicial Commission's report is released. Batagarawa maintained that the retirements/transfers resulted from the Army's own internal review. Noting Batagarawa's newly found knowledge of the retirements/transfers, Ambassador said he hoped the Feingold letter was not a ruse on the part of the GON to placate the Senator.

18. (C) DAO Abuja sources report no Army personnel have been punished for their involvement in the killings in Benue. Outside of routine personnel rotation, no officers have been moved. DAO sources also corroborate Sufi's assertion that decisions regarding reprimands for officers involved in Benue will not be made until the Commission's full report is presented to the GON.

19. (C) COMMENT: While the slow, but steady progress of the Commission is heartening, post cannot help but be concerned over the Obasanjo-Feingold letter. While the letter does not explicitly claim that the transfers were effected to punish offenders, mention of them in this letter strongly suggests a GON desire for us to interpret that assertion this way. The intent of the letter is clear, therefore, even if the wisdom in sending it was more dubious. It is possible that in an attempt to placate Senator Feingold, the GON overreached in saying what it thought the Senator wanted to hear. END COMMENT.
JETER